

Appl. No. 10/716,894  
Atty. Docket No.: 2003B113  
Amdt. dated May 15, 2006  
Reply to Office Action of February 14, 2006

### REMARKS/ARGUMENTS

#### Claim Status – Election and Request for Reconsideration

Reconsideration of this application is requested. The claims presented for reconsideration are claims 1-6, 9, 12-21, 24, 27-31, 37-40, 58-61, and 67-69.

Claim 1 has been amended by adding the subject matter of now canceled claims 7-8 and 11. Claim 16 has been amended by adding the subject matter of now canceled claims 22-23 and 26. Claim 29 has been amended by adding the subject matter of now canceled claims 33-34 and 36. Claim 58 has been amended by adding the subject matter of now canceled claims 63-64 and 66. In addition, claims 1, 16, 29, and 58 have been amended by incorporating preferred elements relating to catalyst and temperature of operation. The preferred catalyst, silicoaluminophosphate molecular sieve, is discussed in paragraph [0120] of the specification. The preferred minimum temperature of operation is described in Examples II and III, and in Tables III and IV in detail.

Claims 41-57 were canceled in response to the restriction requirement. Applicants, therefore, reserve the right to prosecute the subject matter of those claims by way of a continuation application. No new matter has been entered by way of this amendment.

#### Claim Rejections – 35 USC § 103

Claims 1-40 and 58-81 were rejected under 35 USC § 103(a) as being obvious over U.S. Patent No. 6,441,262 to Fung *et al.*, (hereinafter Fung) in view of U.S. Patent No. 4,670,473 to Walker *et al.*, (hereinafter Walker), U.S. Patent No. 6,114,279 to Fukui *et al.*, (hereinafter Fukui), U.S. Patent No. 4,849,575 to Lewis *et al.*, (hereinafter Lewis), and U.S. Patent No. 6,437,208 to Kuechler *et al.*, (hereinafter Kuechler). This rejection is traversed, and reconsideration is requested.

Fung discloses using silicoaluminophosphate molecular sieve catalyst to convert a combination of methanol and ethanol to light olefins. The Fung reference is particularly concerned with the problem of how to moderate the olefin product content in an alcohol conversion reaction in which the alcohol feed is predominantly methanol. Fung addresses this problem by using two contact zones. One zone is referred to as an oxygenate conversion zone, which is where a combination of unregenerated and regenerated catalyst contacts methanol for conversion to olefin. The other zone is referred to as an alcohol contact zone, which is where

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ethanol, propanol, or butanol is contacted with regenerated and fresh catalyst. The use of this dual contacting zone allows for manipulating the olefin content in the product stream.

This invention is concerned with a more particular problem than that addressed by Fung. More specifically, this invention is concerned with maximizing the amount of light or prime olefin formed (e.g., ethylene and propylene), and at the same time further maximizing the amount of ethylene in the product. This problem is solved by making a particular mix of methanol and ethanol with the aid of a homologation catalyst, and contacting that mix with a silicoaluminophosphate molecular sieve catalyst at an elevated temperature for forming light olefins particularly high in ethylene and propylene content, and particularly in ethylene content.

In order to maximize the overall production of ethylene and propylene, while further maximizing the amount of ethylene produced, Applicants have found that contacting a feed having a mix of methanol and ethanol, at a methanol to ethanol weight ratio of from 9.0:1.0 to 19.0:1.0, with a silicoaluminophosphate molecular sieve catalyst at relatively high temperatures (at least 475°C), produces a highly desirable product rich in ethylene and propylene, and containing more ethylene than propylene. Applicants' Examples II and III (especially Tables III and IV) show that, under the preferred process conditions, the overall production of ethylene and propylene is increased. At the same time, the amount of ethylene in the product is particularly high.

The ability of forming an olefin product that has a high ethylene and propylene content, with a predominant amount of ethylene, can be achieved by the Fung process. However, Fung does so by using a combination of two different reaction zones and two different feeds. This invention provides a completely different approach than Fung by making a methanol- and ethanol-containing feed in a manner that can be easily controlled and that can be produced in relatively large quantities. Such a process is not suggested by Fung.

Walker is directed to converting syngas to methanol and higher alkanols. The process includes adding the alkanols to a syngas reactor. Lower alkanols are homologated to higher alkanols, and methanol is added as an interstage quench.

Fukui discloses a catalyst that is used for methanol synthesis. The catalyst is made of components that include copper, zinc, and aluminum oxides.

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Lewis describes an integrated process for producing olefins. The integrated process uses hydrogen and at least one carbon oxide as feedstock.

Kuechler discloses a method for making olefin product from an oxygenate-containing feedstock. The oxygenate-containing feedstock is contacted with a silicoaluminophosphate molecular sieve catalyst in a reactor at an average catalyst feedstock exposure index of at least 1.0.

Like Fung, not one of Walker, Fukui, Lewis, or Kuechler suggests contacting a feed having a mix of methanol and ethanol, at a methanol to ethanol weight ratio of from 9.0:1.0 to 19.0:1.0, with a silicoaluminophosphate molecular sieve catalyst at relatively high temperatures (at least 475°C). As such, there is no suggestion by any combination of the cited references that would provide the benefit of Applicants' invention. That is, no combination of references discloses or suggests a method that would have the benefit of providing a particularly high content of ethylene and propylene, with much of the content weighted toward the ethylene composition. As such, no combination of the cited references discloses or suggests Applicants' claimed invention.

#### Double Patenting

Claims 1-40 and 58-81 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 and 71-93 of co-pending Application No. 10/716,685. Claims 1-40 and 58-81 were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-74 of co-pending Application No. 10/717,006.

Regarding these double patenting rejections, Applicants respectfully submit that, due to the still-changeable nature of the claims, these rejections should be held in abeyance, e.g., until such point as the claims are allowable but for such double patenting rejections. At that juncture, Applicants will, if necessary, submit the appropriate terminal disclaimer(s) to obviate any then-pending double patenting rejections. Applicants respectfully submit that these rejections are not ripe for resolution until there are otherwise allowable claims.

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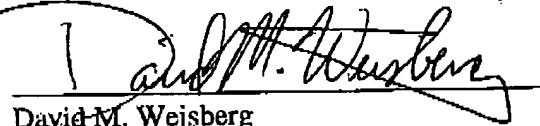
### CONCLUSION

Having demonstrated that the claims of this application are allowable, this application is in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

Respectfully submitted,

Date: 5/22/06

  
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